

***City of Alexandria, Virginia***  
***Department of Planning & Zoning***

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2012-0073

Approved by Planning and Zoning: November 1, 2012

Permission is hereby granted to: Liberato Bagares

to use the premises located at: 6300 Stevenson Avenue

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

11/1/2012

Date

Faroll Hamer / Bn

Faroll Hamer, Director  
Department of Planning and Zoning

DATE: November 1, 2012

TO: Barbara Ross, Deputy Director  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0073  
Administrative Review for Minor Amendment  
Site Use: Convenience Store  
Applicant: Liberato Bagares  
Location: 6300 Stevenson Avenue  
Zone: RC/High Density Apartment

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#### **Request**

Special Use Permit #2012-0073 is a minor amendment request to allow off-premises alcohol sales at an existing convenience store located on the first level of the Sentinel at Landmark residential condominium building at 6300 Stevenson Avenue. No other changes to the operation are proposed.

#### **Background**

In 1991, City Council granted Special Use Permit #2538 to Gerald Lynn Sipes for the operation of a convenience store on the first level of the multi-story Sentinel at Landmark residential condominium building. Section 3-903(K)(4) of the Zoning Ordinance allows convenience stores in the RC zone with an approved Special Use Permit as long as they: 1) do not exceed the area of the first or lower level of the building and 2) are located on the first or lower floor of a residential building that is at least four stories in height.

In February 1993, staff administratively approved SUP#2538A to change ownership of the business from Mr. Sipes to the current applicant, Liberto Bagaras.

As part of its routine inspection program, staff visited the subject property and found that the applicant is selling beer and wine for off-premises consumption, which is a violation of Condition #7 of Special Use Permit #2538A. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

#### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff contacted both the Sentinel of Landmark Unit Owners Association and the condominium management company, both of which expressed support for the proposal. Staff heard from has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

**Staff Action**

Staff does not object to the applicant's request. It finds that the addition of off-premises alcohol sales is a minor change to the convenience store operation that is eligible for minor amendment approval pursuant to Section 11-511(A)(2)(b)(i)(f) of the Zoning Ordinance. As a practical matter, alcohol appears to have been sold here, albeit without SUP approval, for some time without any reported problems. Staff has discussed the matter with both the condominium management company and owners' association, both of which support the application.

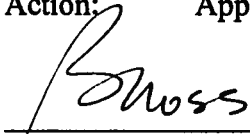
As a technical matter, the prohibition of off-premises alcohol sales in the existing Special Use Permit, though a somewhat common restriction in Special Use Permits in the early 1990s, does not reflect staff's more modern approach toward the matter of alcohol at convenience stores. In the past 20 years staff has worked with the Police Department to craft condition language that prohibits "single-sales" of beer and wine coolers and restricts the sale of certain sizes and types of wine. Staff has included that language in this report (amended Condition #7), as well as a series of modern standard conditions regarding matters such as trash, noise, and staff training.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: November 1, 2012

Action: Approved



Barbara Ross, Deputy Director

Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT # 2012-0073**

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2538A)
2. No seating shall be provided inside the convenience store. (P&Z) (SUP#2538A)
3. The hours during which the business is open to the public shall be restricted to between 6 a.m. to 10 p.m., seven days/week. (P&Z) (SUP#2538A)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2538A)
5. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be stored inside or in a dumpster.~~ Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2538A)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#2538A)
7. **CONDITION AMENDED BY STAFF:** ~~No alcoholic beverages shall be sold from the premises.~~ Off-premises alcohol may be allowed, but no on-premises alcohol shall be served. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (SUP#2538A)
8. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance to the convenience store. (P&Z)
9. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
10. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

11. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
12. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
13. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
14. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
15. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 All conditions as stated below are new, T&ES had no previous conditions under SUP2538-A. (T&ES)
- R-1 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-2 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-3 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-4 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-5 All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (AUP2007-00003)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

Code Enforcement:

F-1 No comments

Health Department:

F-1 No comments received

Parks and Recreation:

F-1 No comments received

Police Department:

F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0073. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the convenience store at 6300 Stevenson Avenue.



Applicant - Signature

11/2/12

Date

Liberato B. Bagares

Applicant - Printed

11/2/12

Date